

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALVIN D. DAVISTON, JR.,

Plaintiff,

v.

DELAWARE COUNTY TAX CLAIM

BUREAU, *et al.*,

Defendants.

CIVIL ACTION NO. 19-CV-5848

FILED

MAR - 9 2020

KATE BARKMAN, Clerk

By _____ Dep. Clerk

ORDER

AND NOW, this 9th day of March, 2020, upon consideration of Plaintiff Alvin D.

Daviston's Amended Complaint (ECF No. 6) it is **ORDERED** that:

1. The Court's Order entered on January 7, 2020 (ECF No. 7) is **VACATED**.¹
2. The Amended Complaint is **DISMISSED WITHOUT PREJUDICE** for the reasons in the Court's Memorandum.
3. Daviston may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Daviston's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint, the Amended Complaint, or other papers filed in this case to state a claim. When drafting his second amended complaint, Daviston should be mindful of the Court's reasons for dismissing the claims in his Amended

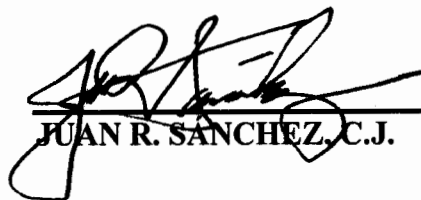
¹ The vacated Order dismissed Daviston's Amended Complaint, referenced a Memorandum that was inadvertently never entered on the docket, and granted Daviston thirty days to file a second amended complaint. That Memorandum accompanies this Order. Since Daviston never received the original Memorandum explaining the Court's decision to dismiss his Amended Complaint, he will be granted an additional thirty days to file a second amended complaint.

Complaint as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

4. The Clerk of Court is **DIRECTED** to send Daviston a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Daviston may use this form to file his second amended complaint if he chooses to do so.

5. If Daviston fails to file a second amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:



JUAN R. SANCHEZ, C.J.